

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-11 are presently active in this case, Claims 1 and 11 having been amended by way of the present Amendment. Care has been taken such that no new matter has been entered.

In the outstanding Official Action, Claims 1-8, 10, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Yabe et al. (U.S. Patent No. 5,863,286). Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Yabe et al. in view of Akui et al. (U.S. Patent No. 4,715,360). For the reasons discussed below, the Applicant requests the withdrawal of the art rejections.

In the Office Action, the Yabe et al. reference is indicated as anticipating each of independent Claims 1 and 11. However, the Applicant notes that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Yabe et al. reference clearly does not meet each and every limitation of the independent Claims 1 and 11.

Claim 1 of the present application recites a valved plug including, among other features, a main body portion internally formed with a constricted passage, and a nesting piece adapted to be detachably and tightly coupled with the main body portion and having a normally closed slit valve in axial alignment with the constricted passage. The main body portion is provided with an interlocking inward projection of a predetermined thickness at an

outer end to be coupled with the nesting piece, and the nesting piece is provided with an annular interlocking groove around an outer periphery thereof. The interlocking groove is narrower than the predetermined thickness of the interlocking projection and adapted to engage with the interlocking projection tightly from upper, lower and inner sides to hold the interlocking projection in a compressed state. The slit valve is located in an axially spaced position from the constricted passage and opened toward the constricted passage upon insertion of an instrument. Additionally, Claim 11 recites a valved plug comprising, among other features, a main body portion internally formed with a constricted passage, and a nesting piece having a slit valve in axial alignment with the constricted passage. The main body portion is provided with an interlocking inward projection and the nesting piece is provided with an interlocking groove around an outer periphery thereof, where the interlocking groove is narrower than a predetermined thickness of the interlocking projection and adapted to engage with the interlocking projection tightly from upper, lower and inner sides to hold the interlocking projection in a compressed state. The slit valve is located in an axially spaced apart position from the constricted passage. The Applicant respectfully submits that the Yabe et al. reference does not disclose all of the above limitations.

In Figure 11 and in column 10, lines 57-67, the Yabe et al. reference describes a forceps plug 61 that is provided with a first plug body 63 and a second plug body 64. A central hole 63c, which corresponds to a constricted passage, is bored on the part of the first plug body 63, and a slit 64d is provided on the part of the second plug body 64. Further, a ring shaped recess 63d is formed on and around the inner periphery of the first plug body 63, and this ring shaped recess 63d is resiliently engaged with a flange 64a which is provided at a

corresponding position on the part of the second plug body 64.

However, the Yabe et al. reference contains no teaching that the flange 64a is fitted in the recess 63d in a compressed state. From Figures 5 and 11, it appears that there is a gap space on the upper or outer side of the flange 64a which is fitted in the recess 63d of a larger width. In short, in the Yabe et al. reference, the radial partition wall with the flange 64a of the second plug body 64 is radially abutted against the first plug body 63, but in a loose state in the axial direction. Further, if flanges 40 and 52 are abutted against each other, a gap space comes out under the flange 25 as is in the Akui et al. reference (see discussion of Akui et al. reference in Amendment filed on June 8, 2005). Accordingly, for at least this reason, the Applicant submits that the Yabe et al. reference does not anticipate Claims 1 and 11.

Furthermore, the Yabe et al. reference describes a configuration in which the slit 64b of the second plug body 64 is overlapped on the central hole 63c on the part of the first plug member 63, so that, at the time of insertion of forceps or other instrument, it becomes necessary to push apart the slit 64d against the radial partition wall of the first plug member 63, that is to say, against an extremely large resistance. In contrast, according to the Applicant's invention, an annular interlocking projection is gripped in an annular interlocking groove on the outer periphery of the tubular body of the nesting piece in a tightly compressed state from upper, lower and inner sides. In addition, at the time of inserting an instrument into the constricted passage, the slit valve can be pushed open smoothly toward the constricted passage within a space which is provided between the slit valve and the constricted passage. The Yabe et al. reference does not disclose such a feature. Accordingly, the Applicant submits that the Yabe et al. reference does not anticipate Claims 1 and 11, as it

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also does not disclose this feature of the present invention.

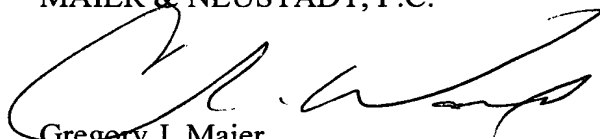
Therefore, the Applicant respectfully requests the withdrawal of the anticipation rejection of independent Claims 1 and 11.

The dependent claims are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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